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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re Stericycle, Inc.
Steri-safe Contract Litigation,

)
) No. 13 C 5795
) MDL No. 2455
)
) Hon. Milton I. Shadur
)
) Hon. Mag. Jeffrey Cole
)

██████████ AGREED ORDER

This cause before the Court on status, due notice given and the Court having been advised in the premises, it is hereby ORDERED:

1. Defendant Stericycle shall produce to Plaintiffs 500 individual, randomly selected documents from each of five Stericycle custodians. The documents to be produced will be drawn from documents that generated “hits” using the latest, corrected version of the parties’ agreed search terms, but were withheld by Stericycle as non-responsive to Plaintiffs’ Requests for Production. The random selection will be conducted independently by third party Kroll.
2. The five Stericycle custodians to be subject to this protocol are: Alutto, Charles, Arnold, Brent, Chesters, Allison, Kogler, Richard, Moya, Jose.
3. In determining the pool of documents from which the random selections shall be made, Stericycle shall ensure that the parties’ latest corrected, agreed search terms are used. Stericycle shall ensure that documents previously identified as containing a search term “hit” based on the term “18” are not included in the pool of documents from which the random selections are made. Stericycle also shall exclude from this pool any documents originally contained in the custodial database because of Kroll’s erroneous inclusion of improper search

terms when it created that database, as referred to in the November 24, 2014, letter from Juliette P. White to Jeffrey Sprung.

4. Prior to making the selections required by this Order, Stericycle or Kroll shall provide a detailed description to Plaintiffs of the method by which Kroll will make the random selection of documents to be produced to Plaintiffs pursuant to this Order. Plaintiffs shall have three (3) business days to respond to or comment upon the proposed method or such method shall be deemed acceptable to Plaintiffs.

5. Stericycle shall provisionally produce the documents under the designation "Attorneys' Eyes Only." Plaintiffs shall ensure that only attorneys and law firm support staff subject to the Agreed Confidentiality Order in this case shall review the documents. Plaintiffs' counsel shall not use, disseminate or disclose any "Attorneys' Eyes Only" documents except in conjunction with a submission to the Court or Magistrate Judge, in which case Plaintiffs shall seek to file such documents under seal. Plaintiffs shall, within a reasonable time, destroy or permanently delete all "Attorneys' Eyes Only" documents not found by the Court or Magistrate Judge to be responsive or subject to production.

6. Stericycle shall review the randomly selected documents to identify any attorney client privileged or work product protected documents (collectively, "Privileged Documents"). All Privileged Documents will be removed from the production, but identified on a privilege log. Additional randomly selected documents shall be substituted for each Privileged Document. Such substitute documents shall be subject to the same review and replacement procedure immediately set forth above.

7. Stericycle shall produce the documents subject to this protocol by February 20, 2015. This matter is set for status on March 23, 2015, at 8:30 AM without further notice.

Dated: January 30, 2015

Entered:


Hon. Mag. Judge Jeffrey Cole

Agreed as to Form and Substance

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